



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/008,945 01/20/98 GRIFFITH-CIMA L 20220-0169 ^{KM}

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HM12/0215

EXAMINER

NAFF, D

ART UNIT

PAPER NUMBER

1651

DATE MAILED:

02/15/01 ²²

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Interview Summary

Application No.
09/008,945

Applicant(s)
Griffith-Cima et al

Examiner
David M. Naff

Group Art Unit
1651



All participants (applicant, applicant's representative, PTO personnel):

(1) Naff (3) _____

(2) Rosen (4) _____

Date of Interview Feb 14, 2001

Type: ☒ Telephonic ☐ Personal (copy is given to applicant applicant's representative).

Exhibit shown or demonstration conducted: ☒ Yes ☒ No. If yes, brief description:

Agreement ☐ was reached. ☒ was not reached.

Claim(s) discussed: None

Identification of prior art discussed:
Atala et al (abstract)

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Discussed proposed 1.132 Declaration in relation to In re Katz 215 USPQ 14 and Ex parte Magner et al 133 USPQ 404 in overcoming Atala et al which is a reference of co-authorship. Examiner pointed out that proposed declaration stating that Retik is not an inventor does not obviate Atala et al in accordance with In re Katz since the application contains Paige as an inventor who is not an author. Furthermore, declaration does not overcome Atala et al in accordance with Ex parte Magner et al since the declaration fails to state that the disclosure of the present invention in Atala et al resulted from research records of the inventive entity of the present invention that included Paige. Examiner suggested the possibility of a 1.131 Declaration antedating Atala et al. Examiner pointed out that such declaration must be signed by all four inventors, and that declaration must state that evidence relied on such as laboratory notebook research records resulted from the work of all four inventors.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. ☐ It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2. ☐ Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

DAVID M. NAFF
PRIMARY EXAMINER
ART UNIT 1651

Examiner Note: You must sign and stamp this form unless it is an attachment to a signed Office action.